

HOUSE BILL REPORT

SB 5589

As Passed House:

April 5, 2005

Title: An act relating to proceedings for excluding agricultural land from the boundaries of a charter or noncharter code city.

Brief Description: Providing for proceedings for excluding agricultural land from the boundaries of a charter or noncharter code city.

Sponsors: By Senators Haugen and Spanel.

Brief History:

Committee Activity:

Local Government: 3/28/05 [DP].

Floor Activity:

Passed House: 4/5/05, 94-0.

Brief Summary of Bill

- Creates a method for property owners of agricultural land located within a code city to petition for exclusion from the incorporated area of that code city that does not require the issue to be submitted to the voters for approval.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan and Takko.

Staff: Kathryn Leathers (786-7114).

Background:

A code city can reduce its city limits in one of two ways: (1) by filing a petition that, if certified as sufficient, causes the question to be submitted to the voters; or (2) by resolution passed by the legislative body of the city that calls for the question to be submitted to the voters.

A petition will be certified as sufficient if it (a) describes the territory sought to be excluded either by metes and bounds or by reference to a recorded plat or government survey; and (b) is signed by qualified voters in a number equal to not less than 10 percent of the votes cast at the last general municipal election.

Once a petition is certified or a resolution has passed, the question of exclusion must be submitted to the voters at the next general municipal election if one is to be held within 180 days, or at a special election called for that purpose not less than 90 days or more than 180 days after the certification of sufficiency of the petition or the passage of the resolution.

The legislative body of the city is required to adopt an ordinance effecting the reduction if three-fifths of the votes cast favor the reduction. Exclusion of an area from the boundaries of the code city does not exempt any real property from taxation for the purpose of paying any indebtedness, including interest, owed to the code city that existed at the time of its exclusion.

If the code city is located in a county in which a boundary review board has been established, the initiators of the proposed reduction in city limits must file notice of the proposal with the board. A boundary review board may approve, disapprove, or modify the proposed exclusion.

Summary of Bill:

Property owners of agricultural land may petition the legislative body of a code city for exclusion from the incorporated area of that city. The petition must be signed by 100 percent of the owners of the land. In addition, if non-agricultural landowner residents reside within the subject area, the petition must also be signed by a majority of those residents who are registered voters in the subject area. The petition must also set forth a legal description of the territory to be excluded and be accompanied by a drawing that outlines the boundaries of the territory sought to be excluded.

After such a petition is filed, the legislative body must set a date for public hearing on the petition within 60 days. Notice of the hearing must be published in at least one newspaper of general circulation in the city as well as in three public places within the territory proposed for exclusion. Interested persons are invited to appear and voice approval or disapproval of the exclusion.

If the legislative body decides to grant the petition following the hearing, they must do so by ordinance. The ordinance may exclude all or any portion of the proposed territory, but may not include in the exclusion any territory not described in the petition. The petition is not submitted to the voters for approval.

The Growth Management Act defines "agricultural land" as land that has long-term commercial significance for agricultural production and is primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products; or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to certain excise taxes, finfish in upland hatcheries, or livestock.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is a product of a concern raised by the City of Mt. Vernon. Mt. Vernon has some farmland that is inside the city limits but the city either cannot or does not want to develop it because it is near a flood plain. The best way to retain the land as farmland under the Growth Management Act is to take it out of the city limits.

Testimony Against: None.

Persons Testifying: Dave Williams, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.